

139361-2

**REMARKS**

Claims 1-2, 4-5, and 9-23 are pending in the present Application. No claims have been amended, added, or canceled; leaving claims 1-2, 4-5, and 9-23 for consideration upon entry of the present Response. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-2, 4-5, and 9-23 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,071,884 to Malone ("Malone"). Applicants respectfully traverse the rejection.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Malone generally discloses polyolefin foams and films having improved electrostatic properties by incorporating into the polyolefin foam or film an antistatic additive composition comprising 0.1 to 10 parts per hundred based on the weight of the olefin polymer of a quaternary ammonium salt and 0.1 to 10 parts per hundred based on the weight of the olefin polymer of a partial ester of a long-chain fatty acid with a polyol. (Abstract)

The quaternary ammonium salt of Malone includes:

those antistatic compounds as generally defined in the literature with a cation of a central nitrogen atom joined to four organic groups and an anion of an acid radical. Examples include, but are not limited to octadecyldimethylbenzyl ammonium chloride, hexamethonium chloride, soya dimethyl ethyl ammonium ethylsulfate, soya dimethyl ethyl ammonium phosphate, soya dimethyl ethyl ammonium ethylphosphate, MARKSTAT AL-33 (by Argus Division of Witco Corp., New York, N.Y., USA), stearamidopropyldimethyl-B-hydroxyethylammonium nitrate (CYASTAT SN, from American Cyanamid Co., Wayne, N. J., USA), stearamidopropyldimethyl-B-hydroxyethylammonium dihydrogen phosphate (CYASTAT SP from American Cyanamid Co.), N,N-bis-(2-hydroxyethyl)-N-(3'-dodecyloxy-2'-hydroxypropyl) methylammonium methosulfate

139361-2

(CYASTAT 609 from American Cyanamid Co.), (3-laurylamidopropyl) trimethyl ammonium methyl sulfate (CYASTAT LS from American Cyanamid Co.), diisobutylphenoxyethoxyethyl dimethylbenzyl ammonium chloride monohydrate, HEXCEL 106G, (from the Hexcel Corporation, Dublin, Calif., USA), stearyl dimethylbenzyl ammonium chloride, LAROSTAT HTS 905, (available commercially from Mazer Chemicals Division, PPG Industries, Inc., Gurnee Ill., USA), LAROSTAT 264-A (from Mazer Chemicals Division, PPG Industries, Inc.) and n-alkyl dimethylethyl ammonium ethyl sulfate in dipropylene glycol (LAROSTAT 377-DPG from Mazer Chemicals Division, PPG Industries, Inc.). Other useful antistatic compounds are described in U. S. Pat. No. 2,626,878. Antistatic agent generally described as aliphatic amidopropyl quaternary ammonium salts useful in the present invention are also disclosed and claimed in U.S. Pat. No. 2,589,674. Particularly preferred in the present invention are LAROSTAT HTS 905 and (3-laurylamidopropyl) trimethyl ammonium methyl sulfate.

(Column 4, line 45 to column 5, line 14)

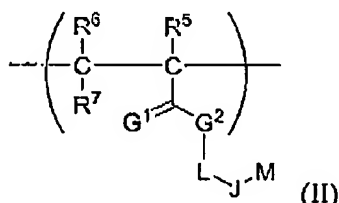
In comparison, independent claims 1 and 17-18 of the present application are directed to compositions and methods comprising a thermoplastic polymer and a polymeric anti-static salt. The polymeric anti-static salt is required to have a polymeric anionic component derived from polyacrylic acid, poly(alkyl)acrylic acid, poly(maleic acid), poly(vinyl sulfonic acid), polyacrylate, or poly(alkyl)acrylate. Such a limitation is not taught or suggested by the Malone as none of the anions of the cited quaternary ammonium salts are derived from polyacrylic acid, poly(alkyl)acrylic acid, poly(maleic acid), poly(vinyl sulfonic acid), polyacrylate, or poly(alkyl)acrylate. Therefore, as Malone fails to teach the particular polymeric anti-static salt of claims 1 and 17-18, which requires the polymeric anti-static salt to have the defined polymeric anionic component, Malone fails to anticipate these claims. Reconsideration and allowance is respectfully requested for the independent claims as well as their dependent claims 2, 4-5, and 9-16.

Independent claim 19 is directed to a method of preparing a polymeric antistatic salt by polymerizing ionic monomers, wherein the ionic monomer comprise reactive functionality and a

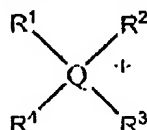
139361-2

salt moiety. The reactive functionality is an epoxy group, an acrylate group, an (alkyl)acrylate group, an allylic group, an acrylamide group, an (alkyl)acrylamide group, a crotyl group or a combination thereof. Malone does not teach a method of preparing a polymeric antistatic salt according to the process outlined in claim 19. Accordingly, Malone fails to anticipate claim 19 or its dependent claims 20 and 23. Reconsideration and removal of the rejections of claims 19-20 and 23 are respectfully requested.

Independent claim 21 is directed to a polymeric anti-static salt having the repeat units represented by the structure (II):



wherein, *inter alia*, J is a carboxylate or a sulfonate group; and M is an ammonium or phosphonium cationic component according to the structure:



wherein Q is nitrogen or phosphorus; and R<sup>1</sup>, R<sup>2</sup>, R<sup>3</sup>, and R<sup>4</sup> are each independently a C<sub>1</sub>-C<sub>20</sub> alkyl, a (C<sub>6</sub>-C<sub>12</sub> aryl)C<sub>1</sub>-C<sub>10</sub> alkyl group, a (C<sub>1</sub>-C<sub>10</sub> alkyl)C<sub>6</sub>-C<sub>12</sub> aryl group, or a C<sub>6</sub>-C<sub>12</sub> aryl group.

Malone does not teach a quaternary ammonium salt as is required by claim 21 as Malone fails to teach the particular polymeric anionic moiety represented by the structure (II), particularly the anionic component. Accordingly, the Applicants respectfully request reconsideration and removal of the rejection to claim 21 and its dependent claim 22.

139361-2

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

In order to expedite prosecution on the case, the Applicants' attorney invites the Examiner to call at the number below regarding any questions she may have, and further in view of Examiner's statement regarding the allowability of the claims as provided in the first paragraph on page 6 of the Office Action mailed September 15, 2005.

Form PTO-1449 filed May 11, 2005

It has come to the Applicants' attention that the Examiner has inadvertently forgotten to initial the Form PTO-1449 filed May 11, 2005. The Applicants respectfully request that the Examiner initial the form and indicate as such in the next action.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 07-0893.

Respectfully submitted,  
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